

This part is intended to provide a standard procedure for identification of constraints when development is proposed on sites having environmental constraints, and to provide a means to ensure compliance with this chapter's environmental protection standards.

4.6.1 Applicability & Exemptions

A. Applicability

Except as exempt under subsection B. below, this part shall apply to all land disturbing activities.

B. Exemptions

This part shall not apply to the following development activities:

1. The redevelopment of sites with environmental constraints including reconstruction of an existing building that:
 - a. Existed on such site on March 1, 2003; and
 - b. Does not increase the amount of impervious surface coverage that existed on March 1, 2003; and
 - c. Does not entail a change in use for which a conditional use permit for potentially hazardous uses is required.
2. Addition of accessory structures, or alteration of the ground surface (cutting, filling, grading) associated with landscaping, installation of walks or driveways, or similar activities on sites developed with a principal structure built prior to March 1, 2003.
3. Clearing and other activities required for surveying and preliminary site investigation, conducted in accordance with a Site Disturbance Permit issued in accordance with the Erosion Prevention and Sediment Control ordinance.
4. Maintenance of roads and utility lines.
5. Expansion of an existing residential structure by less than 50% or of a non-residential structure by less than 10%.
6. Construction on existing lots shown on preliminary plans approved between August 7, 1997 and March 1, 2003.

4.6.2 Determination of Sites with Environmental Constraints

A. Identification of Environmental Constraints

1. Applications for land disturbing activities not exempted in 4.6.1 shall include a checklist indicating the presence or absence of the following features on the site to be developed:
2. Local regulatory conveyance zone/regulatory flood plain as defined by local ordinance.
3. Protected waterways subject to the protection standards in **Chapter 4 Part 8** "Waterways & Wetlands Protection."
4. Lakes and impoundments of one acre or greater.
5. Wetlands with a surface area of 0.1 acre or greater and subject to the protection standards in **Chapter 4 Part 8**, "Waterways & Wetlands Protection."
6. Karst features subject to subject to development restrictions as defined in **Chapter 4 Part 9**.
7. Steep slopes 20% or greater.

NOTE: Part 4.9 is reserved; it will be drafted as part of the next phase of the Land Development Code.

Unstable soils as determined by the Natural Resources Conservation Service and depicted on Core Graphic 5.

The presence of any of these environmentally constrained features shall be confirmed by reference to the best available federal, state, or county mapping and resources (e.g., floodplain or LOJIC maps) as determined by the Planning Director, or as confirmed by a site-specific survey conducted by a qualified professional.

B. Determination of Sites with Environmental Constraints.

A development site that contains one or more of the environmentally constrained features listed in paragraph A, above, shall be designated a "Site with Environmental Constraints."

C. Approval Required.

The Planning Director, or designee, shall approve all determinations of sites with environmental constraints. The Director may require a site-specific survey if the Director determines that the magnitude of the development, its potential environmental impacts, or inadequacy of the best available mapping justify more detailed identification of constrained areas.

4.6.3 Designation of Limits of Disturbance**A. General**

For sites with environmental constraints, the applicant shall establish, on each preliminary and final subdivision plat and on each site development plan, proposed building envelopes and the limits of site disturbance in relation to environmentally constrained features. The limits of site disturbance shall include the specific area(s) of a lot, lots, or development site within which the proposed development (including buildings, accessory structures, parking and driveways) may be constructed and within which all development activity, including grading, cutting and filling shall be contained.

B. Final Plans and Record Plats

Approved site disturbance limits shall be shown on the preliminary and final subdivision plats and/or on the development plan for each lot or development site.

4.6.4 Compliance with Applicable Regulations**A. General**

Land disturbing activity occurring on or within an environmentally constrained feature or within a buffer area associated with such feature as established by this Land Development Code, including any construction, subdivision, clearing or grading activities, unless exempted by 4.6.1.B, shall be permitted only in compliance with regulations applicable to said constrained feature.

B. Standards For Protection During Construction.

Site disturbance limits shall be designated in the field prior to commencement of excavation, grading, or construction with construction barrier fencing or other methods approved by DPDS. For trees and clumps of trees to be preserved within the site disturbance limit, tree protection specifications as required in **Chapter 10 Part 1**, "Tree Canopy," shall be followed.